IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

Bail Appl..No. 7522 of 2007()

CRIME NO. 441/2007 OF KADAKKAL POLICE STATION

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PETITIONER/ACCUSED

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1. SAJEEV, S/O.LATE KRITHYADASAN, MAMPUZHAYARA PUTHEN VEEDU, KUTTIKKADU, KADAKKAL VILLAGE, KOLLAM DISTRICT.

2. RADHA, S/O.LATE KRITHYADASAN, MAMPUZHAYARA PUTHEN VEEDU, KUTTIKKADU, KADAKKAL VILLAGE, KOLLAM DISTRICT.

3. RENUKA, D/O.RADHA, MAMPUZHAYARA PUTHEN VEEDU, KUTTIKKADU, KADAKKAL VILLAGE, KOLLAM DISTRICT.

4. ANITHA, D/O.RADHA, MAMPUZHAYARA PUTHEN VEEDU, KUTTIKKADU, KADAKKAL VILLAGE, KOLLAM DISTRICT.

5. MURALI, S/O.KAMSAN, MURALI NIVAS, KUTTIKKADU, KADAKKAL VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE SUB INSPECTOR OF POLICE, KADAKKAL POLICE STATION, KOLLAM DISTRICT THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7522 of 2007

Dated this the 7th day of December 2007

O R D E R

Application for anticipatory bail. The petitioners are the husband of the de facto complainant and his relatives. They face allegations in a crime registered under Section 498A I.P.C. The marriage took place on 6/5/2004. The spouses are blessed with one child. The crime has been registered on the basis of a private complaint filed by the de facto complainant before the learned Magistrate and referred to the police under Section 156 (3) Cr.P.C. Matrimonial cruelty of the culpable variety has been alleged against the petitioners by the de facto complainant.

2. The learned counsel for the petitioners submits that there is strain in the matrimonial relationship and that is prompting the de facto complainant to make reckless, exaggerated and fanciful allegations against the petitioners. The petitioners may be granted anticipatory bail to save them from the trauma of undeserved arrest and detention, submits the learned counsel for the petitioners.

3. The learned Public Prosecutor does not oppose the application. I am satisfied, in the facts and circumstances of this case that the petitioners can be granted anticipatory bail. In coming to this conclusion I take note of the fact that arrest and detention of the petitioners is likely to mar all possibilities of harmonious reconciliation of the matrimonial tie. I do further take note of the submission of the learned Public Prosecutor that the alleged victim has suffered no external injuries also.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 14/12/2007. They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 3 p.m on 15/12/2007 and 17/12/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of one month. Subsequently the petitioners shall so appear as

and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 14/12/2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 14/12/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007